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|---|--|---|---------------------|----------------------------------|-------------------|--|--|
| AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT | | | 1. CONTRACT ID CODE | | PAGE 1 OF 5 PAGES | | |
| 2. AMENDMENT/MODIFICATION NO. 002 | | 3. EFFECTIVE DATE 07/14/08 | | 4. REQUISITION/PURCHASE REQ. NO. | | 5. PROJECT NO. (If applicable) PRA-FOOT 8E15 | |
| 6. ISSUED BY Eastern Federal Lands Highway Division 21400 Ridgetop Circle Sterling, VA 20166 | | 7. ADMINISTERED BY (If other than Item 6) | | CODE | | | |
| 8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) | | | | (X) | | 9A. AMENDMENT OF SOLICITATION NO. DTFH71-08-B-00009 | |
| | | | | X | | 9B. DATED (SEE ITEM 11) 06/02/08 | |
| | | | | | | 10A. MODIFICATION OF CONTRACT/ORDER NO. | |
| | | | | | | 10B. DATED (SEE ITEM 11) | |
| CODE | | FACILITY CODE | | | | | |

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

- ☒ The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers ☒ is extended, ☐ is not extended.
- Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:
- (a) By completing items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted;
- or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment your desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

| | |
|-----------|---|
| CHECK ONE | A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A. |
| | B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b). |
| | C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: |
| | D. OTHER (Specify type of modification and authority) |

E. IMPORTANT: Contractor ☐ is not, ☐ is required to sign this document and return _____ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

The purpose of this Amendment is to:

- 1) Revise the SF 1442 Solicitation to update the bid opening date of 07/22/08 at 2:00 pm.
- 2) Revise the Special Contract Requirements (J-pages) as follows:
 - a) Section 109 to add a fuel price adjustment provision; and
 - b) Sections 204 and 301 to allow pay item payment adjustments.

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

| | | | |
|---|--|--|--|
| 15A. NAME AND TITLE OF SIGNER (Type or print) | | 16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) | |
| 15B. CONTRACTOR/OFFEROR | | 16B. UNITED STATES OF AMERICA | |
| 15C. DATE SIGNED | | 16C. DATE SIGNED | |
| (Signature of person authorized to sign) | | (Signature of Contracting Officer) | |

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
EASTERN FEDERAL LANDS HIGHWAY DIVISION

Amendment No. 0002
Project PRA-FOOT 8E15
Foothills Parkway - Great Smoky Mountains National Park
DTFH71-08-B-00009

The purpose of this Amendment is to:

- 1) Revise the SF 1442 Solicitation to update the bid opening date.
- 2) Revise the Special Contract Requirements (J-pages) as follows:
 - a) Section 109 to add a fuel price adjustment provision; and
 - b) Sections 204 and 301 to allow pay item payment adjustments.

Solicitation Provision changes

1. *Delete the first sentence of Block 13a of the SF 1442, page A-1, and substitute the following:*

Offers in original and 0 copies to perform the work required are due at the place specified in Item 8 by 2:00 PM local time 0722/08.

Special Contract Requirement changes

1. *Add the following to Section 109 of the of the Special Contract Requirements, page J-12.*

109.06 Pricing of Adjustments Add the following

FUEL PRICE ADJUSTMENT PROVISION

GENERAL The Fuel Price Adjustment Provision provides for a price adjustment in the form of payment to the Contractor or a rebate to the Government for fluctuations in the cost of diesel consumed in the performance of applicable construction work. The price adjustment provisions are applicable only to those contract items listed as eligible pay items in Table 1 below, if diesel is used as the primary fuel in the production of the affected items. The price adjustment provisions are also applicable to these eligible pay items when the Government adds extra work to the Contract.

The provision will remain in effect throughout the duration of the contract. Enactment of the Fuel Price Adjustment Provision will only be considered when the **increase or decrease** in the price of motor fuel as defined herein exceeds 10 percent.

PRICE INDEXES The Government will generate a monthly performance price index which may be obtained from the CO for Low Sulfur, No. 2 Diesel Fuel using price data obtained from the Oil Price Information Service (OPIS), which publishes a weekly report on gasoline and distillate reseller prices for major cities in five regions throughout the United States including the East Coast (PADD 1), the Midwest (PADD 2), the Gulf Coast (PADD 3), the Rockies (PADD 4) and the West Coast (PADD 5). Weekly average rack price data reported for Knoxville, TN will be averaged and used to establish a base price index, BPI, for this project and a monthly performance price index, MPPI, for the duration of the contract. These indexes are defined as follows:

- **BASE PRICE INDEX** The base price index, BPI, is the price index available from the CO as determined by arithmetic average, as specified above, shown in the four weekly publications immediately preceding the bid opening. It is as follows:

BASE PRICE INDEX (BPI) FOR LOW SULFUR, NO. 2 DIESEL FUEL
PER GALLON = \$ _____

- **MONTHLY PERFORMANCE PRICE INDEX** The monthly performance price index, MPPI, is the monthly price index at the time of performance of applicable work as determined by arithmetic average, as specified above, shown in the four weekly publications issued prior to the last Wednesday of the month (i.e. the monthly performance price index during which motor fuel is consumed in the performance of applicable construction work).

PRICE ADJUSTMENTS Price adjustments are calculated by the Government for average conditions and are not intended to reflect the Contractor's actual purchase price. The ratio of the monthly performance price index and the base price index (MPPI/BPI) is calculated and used to determine price adjustments for eligible pay items as follows:

- **No Price Adjustment** – When the ratio MPPI/BPI falls within the range of 0.90 to 1.10, no price adjustment will be made for any motor fuel consumed in construction work performed during the relevant month.
- **Government Rebate** – When the ratio MPPI/BPI is calculated to be less than 0.90, the Government is due a rebate determined in accordance with the following formula:

Government Rebate = $[0.90 - (MPPI/BPI)] (BPI) (Q) (FUF)$

- **Contractor Payment** - When the ratio MPPI/BPI is calculated to be greater than 1.10, the Contractor is due additional payment determined in accordance with the following formula:

Contractor Payment = $[(MPPI/BPI) - 1.10] (BPI) (Q) (FUF)$

The following definitions are applicable to both the Government Rebate and the Contractor Payment formulas:

MPPI = Monthly Performance Price Index for the month during which motor fuel is consumed in the performance of applicable construction work.

BPI = Base Price Index that is established immediately preceding the bid opening.

Q = Quantity of work on the project during the progress payment period for eligible pay items shown in Table 1 below. The Government, to agree with the units associated with the applicable Fuel Usage Factor, will convert work quantities, as necessary.

FUF = Fuel Usage Factor shown in Table 1 below applicable to both diesel and gasoline.

| Table 1 – Eligible Pay Items For Price Adjustments and Associated Fuel Usage Factors | | |
|---|---|---|
| Eligible Pay Items | Fuel Usage Factor U.S. Customary Units | Fuel Usage Factor Metric Units |
| Earthwork: | | |
| Section 204 – Excavation and Embankment 20401 Roadway excavation | 0.30 gallons per cubic yard | 0.39 gallons per cubic meter |
| Aggregate Courses: | | |
| Section 301 – Untreated Aggregate Courses 30101 Aggregate base | 0.70 gallons per ton | 0.77 gallons per metric ton |
| * The Government, to agree with the units associated with the applicable Fuel Usage Factor, will convert work quantities, as necessary. | | |

PRICE ADJUSTMENT COMPENSATION Monthly adjustments will be accrued. The final price adjustment will be paid, or rebated, after completion of all work for eligible pay items. The Contractor may request in writing a partial price adjustment payment once every 12 months, or when the unpaid accrued increase exceed \$10,000. The Government will take a rebate when the deductive accrual exceeds \$10,000.

No price adjustments will be made for work performed beyond the Government-approved Contract completion date.

The maximum allowable monthly and final price adjustment to the Contractor or rebate to the Government is limited to a (MPPI/BPI) ratio of 1.6 and 0.4, respectively.

2. Add the following to Section 204 of the Special Contract Requirements, page J-21.

204.17. Add the following:

A price adjustment will be made for fluctuations in the cost of diesel consumed in the performance of any eligible pay items according to Subsection 109.06 Pricing of Adjustments Fuel Price Adjustment Provision.

3. *Add the following to Section 301 of the Special Contract Requirements, page J-22.*

301.10. Add the following:

A price adjustment will be made for fluctuations in the cost of diesel consumed in the performance of any eligible pay items according to Subsection 109.06 Pricing of Adjustments Fuel Price Adjustment Provision.